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American Express National Bank

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

AMERICAN EXPRESS NATIONAL BANK,

Plaintiff,

v.

MICHAEL MALEKZADEH and
BETHANY MOCKERMAN,

Defendants.

Case No. 6:22-CV-01070-AA

**JOINT MOTION TO STAY
PROCEEDINGS**

MOTION

Plaintiff American Express National Bank (“*American Express*”) and Defendants Michael Malekzadeh and Bethany Mockerman (“*Defendants*”), pursuant to Fed. R. Civ. P. 6(b) and LR 16-3, jointly move the Court to stay this proceeding to the earlier of (i) entry of further order of this Court dissolving the stay or (ii) December 31, 2023.

MEMORANDUM

Plaintiff and Defendants have entered into a settlement agreement dated as of November 5, 2022 (the “*Settlement Agreement*”). Pursuant to the Settlement Agreement, (i) Defendants have agreed to entry of a consent judgment in favor of Plaintiff, resolving all claims in this proceeding (the “*Consent Judgment*”) and (ii) Plaintiff has agreed to delay entry of the Consent Judgment until the earlier of (A) entry of a guilty plea by Defendants in their related criminal proceeding pending before this Court (Case No. 22CR00262, the “*Criminal Proceeding*”), (B) if Defendants elect not to enter a guilty plea in the Criminal Proceeding or file certain pretrial motions in the Criminal Proceeding, twenty (20) days from such announcement or filing, (C) if Defendants breach certain of their obligations to Plaintiff under the Settlement Agreement, or (D) December 31, 2023.

Because the Settlement Agreement resolves all claims in this proceeding pending entry of the Consent Judgment, good cause exists to stay this proceeding pending entry of the Consent Judgment. Within thirty (30) days of the expiration of the deadlines under the Settlement Agreement, Plaintiff anticipates filing its motion to dissolve the stay in this proceeding and submitting the Consent Judgment for entry by the Court.

CONCLUSION

For the reasons set forth herein, the parties respectfully request that the Court grant this joint motion and stay this proceeding to the earlier of (i) entry of further order of this Court dissolving the stay or (ii) December 31, 2023.

DATED this 22nd day of November 2022.

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **JOINT MOTION TO STAY PROCEEDING** on:

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by the following indicated method or methods on the date set forth below:

<input checked="" type="checkbox"/>	E-mail.
<input type="checkbox"/>	E-mail service under ORCP 9 G.
<input type="checkbox"/>	Facsimile communication device.
<input checked="" type="checkbox"/>	First-class mail, postage prepaid.
<input type="checkbox"/>	Hand-delivery.
<input type="checkbox"/>	Overnight courier, delivery prepaid.

Dated this 22nd day of November 2022.

/s/ Garrett S. Ledgerwood

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